



February 12, 2019

Andrew Miner
Assistant Director, Community Development
City of Sunnyvale
456 W Olive Ave
Sunnyvale, CA 94086

**Subject: Justification letter – Planning Deviation request
1 AMD Place Redevelopment**

Dear Mr. Miner:

The purpose of this letter is to provide justification for proposed deviations from the City of Sunnyvale's Municipal Code as shown in Irvine Company's 1 AMD Place Redevelopment planning package, dated October 3rd 2018. Continued dialogue with City staff has resulted in superior planning and design solutions for the 34.75 acre, 1,074 unit project, limited to a total of four deviations and one state density bonus law concession. We appreciate the collaboration between Irvine Company and the Planning Department in reaching an understanding, and as a result, have established the below list of deviations for the project and one concession under the State Density Bonus Law:

State Density Bonus Law Concession:

The Irvine Company is allowed one concession from development standards for a project that includes at least 5% very low income units [Government Code Section 65915 (d)(2)(A)]. The project is providing 6% very low income units and is requesting the following concession:

1. Sunnyvale Municipal Code height limits for R-3 & R-4 zoning are 35 feet and 55 feet, respectively. The project will have buildings up to 45 feet in the R-3 area and 65 feet in the R-4 area.

Requested Deviations:

Deviations from development standards such as height, setbacks, balcony sizes or lot coverage requirements in the Sunnyvale Municipal Code (SMC) may be considered by the decision-making bodies with the Site Development Permit application. Due to the fact that the project was designed to provide generous setbacks, preserve existing trees, provide a 6.5 acre public park and provide extensive EVA access, we are requesting in exchange, the following deviations deemed necessary to maintain the public benefits and make the project feasible:

1. The right of way setback provided on Stewart Drive for the low-rise product type is 18 feet where 25.5 feet is required due to the third story increased setback requirements [SMC 19.34.050.]. The setback deviation is for 160 feet of street frontage along Stewart Drive.
 - This proposed front yard setback matches the current setback condition at the neighboring project, Stewart Village Apartment Homes. This deviation provides a desired architectural and planning consistency between the buildings at Stewart Village and at the proposed new low-rise project.

2. The majority of balcony sizes do not meet the Sunnyvale planning code requirement of 7 feet in any direction or 80 sf minimum [SMC 19.37.100(c)(1)]. Of the 944 total units, 854 units (roughly 90%) have balconies.
 - Irvine Company proposed the balcony/private open space deviation because the project has many public benefits including: 1) significantly exceeding the required setbacks along Stewart Drive allowing for a useable, walkable landscaped trail/EVA area; and 2) exceeds the required 380 sf of usable open space per unit and provides 413 sf of usable open space per unit, even with the reduced size balconies. In addition to the usable open space provided within the boundaries of the apartment project, the apartment residents will have access to an adjacent 6.5 acre public park dedicated by Irvine Company.
3. The front yard setback provided on the Indian Wells extension for the mid-rise product type is 28.2 feet where 36.9 feet is required due to the third story plus increase setback requirements [SMC 19.34.050].
 - Irvine Company worked with city staff to optimize building setbacks around all site edges, ensuring that ample space is provided for Stewart Drive tree preservation and required emergency vehicle access lanes, while still maintaining a gracious, human-scaled street scene along the Indian Wells extension. As a consequence of satisfying these competing objectives, a solution is to allow a deviation from the mid-rise building setback requirements along Indian Wells resulting in a superior site plan, and could be further justified based on the following:
 - Of the approximately 790 feet of mid-rise building frontage along the Indian Wells extension, 525 feet or 66% is immediately across from the 6.5 acre public park. In this case, the overall street section width, considering both sides of the street, will have a spacious, open feel, and the effect of a reduced setback in this area is negligible.
 - The remaining 265 feet of mid-rise street frontage, or 33%, is located along the west end of the Indian Wells extension, across from the proposed three story Townhome buildings. Irvine Company worked through solutions with staff to maximize Townhome setbacks along this length to ensure as large an overall street section width, considering both sides of Indian Wells, as geometrically possible. The result of this planning effort is an overall average Indian Wells Townhome setback of 22.7 feet (2.7 feet greater than the 20 foot requirement); and a 112.4 foot street section width, compared to the required 118.9 foot street section width in this area (a deviation of 6.5 feet). In consideration of the above, and in comparison to the 80 foot street section width provided between the immediately adjacent three-story Fusion Townhomes and two-story Stewart Village Apartment Homes, the perceptual effect of the midrise building setback deviation has been effectively mitigated. Based on the above parameters, staff is aware that allowing this deviation from the mid-rise building front yard setback along the Indian Wells extension provides an ideal site planning solution as a whole for this project.

4. Recycling and solid waste enclosures must be located within 150 feet of any dwelling unit [SMC 19.38.030(e)(1)(k)].
- Mid-rise: Each of the four mid-rise buildings will have 2 trash rooms with trash chutes located on each residential floor. Within buildings 2 & 3, a third trash vestibule will be located on each residential floor for the convenience of dwelling units located more than 150 feet from the trash rooms / chutes. Trash collected in the trash vestibules will be transferred via the parking garage to the main Trash Discharge Rooms on the ground floor by apartment maintenance staff. This solution provides an alternative trash disposal room within the 150 foot distance which would be serviced by maintenance staff. The residents also have the option to walk a longer distance to the trash chute for direct disposal. Of the 887 units shown on the mid-rise site plan, a total of 843 units (roughly 95%) are within 150 feet of a trash chute or trash vestibule. If the project were to comply with this code section, the mid-rise apartments would need to service trash and stage trash collection along public streets. Irvine Company has planned for an inventive waste management program to ensure all trash related activities are organized and discretely performed on private property.
 - Townhome: Of the 107 total units, 100 units (roughly 94%) are within 150 feet of a properly sized trash enclosure. Therefore, 7 units are out of compliance. If the project were to comply with this code section, the site plan would need to locate an additional trash enclosure which would eliminate on street parking and landscape area needed to meet code requirements.

In summary, we propose these four deviations to balance the goals of the project as a whole and to allow us to move forward with a successful build out. The evolution of the site plan over the last two years has been an interactive process with City staff and Irvine representatives resulting in a much better overall design. We look forward to continuing to work together to bring this world class community to the City of Sunnyvale.

Sincerely,


Carlene Matchniff
Vice President, Government Relations

cc: Trudi Ryan, Planning Director
Gerri Caruso, Principal Planner